

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STEPHON HUDERSON	§	PETITIONER
	§	
v.	§	CIVIL ACTION NO. 1:08CV348-LG-RHW
	§	
LAWRENCE KELLY	§	RESPONDENT

ORDER ADOPTING PROPOSED FINDINGS OF FACT AND RECOMMENDATIONS

BEFORE THE COURT are the Proposed Findings of Fact and Recommendations [7] entered by United States Magistrate Judge Robert H. Walker on November 7, 2008. Magistrate Judge Walker recommends that this Court grant the Motion to Dismiss [5] filed by the respondent, Lawrence Kelly, on September 15, 2008, and that this Court deny the petitioner, Stephon Huderson's request for habeas corpus relief.

Huderson was advised that he must file any objections to Magistrate Judge Walker's recommendations within ten days of being served with a copy of the Proposed Findings of Fact and Recommendations. The court record reveals that Huderson has not filed any objections to the Magistrate Judge's Proposed Findings of Fact and Recommendations.

Where no party has objected to the Magistrate Judge's proposed findings of fact and recommendations, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that the Magistrate Judge's Proposed Findings of Fact and Recommendations are neither clearly erroneous nor contrary to

law. Therefore, the Court finds that the Proposed Findings of Fact and Recommendations entered by United States Magistrate Judge Robert H. Walker should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendations [7] entered by United States Magistrate Judge Robert H. Walker, be, and the same hereby are, adopted as the finding of this Court. This lawsuit is hereby **DISMISSED**.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion to Dismiss [5] filed by the respondent is **GRANTED**.

SO ORDERED AND ADJUDGED this the 17th day of December, 2008.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE